

**UNITED STATES DISTRICT
COURT EASTERN DISTRICT OF
MICHIGAN SOUTHERN DIVISION**

IN RE: ALI INVESTMENTS LLC.
Debtor,

HONORABLE Victoria A. Roberts
Case No: 12-15229

ALI INVESTMENTS, LLC,
Appellant, v JP MORGAN
CHASE BANK, Appellee,

DANIEL M. McDERMOTT,
U.S. Trustee.

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ORDER DISMISSING APPEAL

On November 28, 2012, Ali Investments, LLC ("Ali Investments") filed a notice of appeal with this Court challenging a Bankruptcy Court's order. On December 5, 2012, the Court entered a scheduling order requiring the parties to file their briefs by specified dates. Neither party filed a brief or motion to extend briefing.

Ali Investments' appeal is **DISMISSED**.

Rule 8001 of the Federal Rules of Bankruptcy Procedure states, "An appellant's failure to take any step other than timely filing a notice of appeal does not affect the validity of the appeal, but is ground only for such action as the district court or bankruptcy appellate panel deems appropriate, which may include dismissal of the appeal." Fed. R. Bankr. Pro. 8001(a). The Sixth Circuit says that a late filing does not justify dismissal of a bankruptcy appeal unless there is a showing of bad faith. *In re Winner Corp.*, 632 F.2d 658, 660-61 (6th Cir.1980) (citing *Drybrough v.*

Ware, 111 F.2d 548, 550 (6th Cir.1940)). However, under Rule 37(b)(2)(A) of the Federal Rules of Civil Procedure, "a district court may sanction parties who fail to comply with its orders in a variety of ways, including dismissal of the lawsuit." *Bass v. Jostens, Inc.*, 71 F.3d 237, 241 (6th Cir. 1995).

Because Ali Investments failed to file its appeal brief as ordered by the Court, the appeal is **DISMISSED**.

IT IS ORDERED.

S/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: January 31, 2013

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on January 31, 2013.

S/Linda Vertriest

Deputy Clerk